

Bradley J. Epstein (CA State Bar No. 171567)  
bepstein@angius-terry.com  
Sam Y. Chon (CA State Bar No. 197246)  
schon@angius-terry.com  
ANGIUS & TERRY LLP  
3001 Lava Ridge Court, Suite 130  
Roseville, CA 95661  
Telephone: (916) 567-1400  
Facsimile: (916) 567-1401

Attorneys for Defendant  
Auburn Lake Trails Property Owners Association

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO

IN RE DANIEL MAJOR EDSTROM

Debtor,

DANIEL MAJOR EDSTROM

Plaintiff,

v.

AUBURN LAKE TRAILS PROPERTY  
OWNERS ASSOCIATION, a California non-  
profit mutual benefit corporation; et al.

Defendants.

Case No.: 12-29353-B-11

Chapter 11

Adv. Proc. No.: 13-02132-B

Docket Control No. ATL-2

**NOTICE OF MOTION TO DISMISS  
PLAINTIFF'S FIRST AMENDED  
COMPLAINT**

Hearing date: October 29, 2013

Time: 9:32 a.m.

Courtroom: 32

Department: B

Hon. Thomas C. Holman

PLEASE TAKE NOTICE that on October 29, 2013, at 9:32 a.m., or as soon thereafter as the matter may be heard, in Courtroom 32, of the above entitled Court located at 501 I Street, 6th Floor, Sacramento, CA, before the Honorable Thomas C. Holman, Defendant, Auburn Lake Trails Property Owners Association (the "Association" or "ALT") will move this Court for an Order dismissing Plaintiff's First Amended Complaint.

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1 If Plaintiff-Debtor opposes the Association's motion, such opposition shall be in writing  
2 and shall be served and filed with the court by the responding party at least fourteen (14) days  
3 preceding the date or continued date of the hearing. The Association's counsel Bradley J.  
4 Epstein and Sam Y. Chon with the law firm of Angius & Terry LLP, must be served with any  
5 opposition at Angius & Terry LLP 3001 Lava Ridge Court, Suite 130, Roseville, CA 95661.

6 Failure to file timely written opposition may result in the motion being resolved without  
7 oral argument and the striking of untimely written opposition.

8 Tentative rulings, dispositions without oral argument, matters resolved without oral  
9 argument, and matters continued for evidentiary hearings are posted prior to the scheduled  
10 hearing on the Court's Internet site, [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov), at the "Pre-hearing Dispositions"  
11 link. Parties appearing by telephone must download and review all pre-hearing dispositions  
12 before the hearing. Failure to do so may result in the imposition of sanctions, including taking  
13 the matter as submitted without oral argument or continuing the hearing.

14 This motion is based on the this Notice of Hearing, the accompanying Motion and  
15 Memorandum of Points & Authorities, the pleadings, papers and records on file in this action,  
16 and such oral argument as may be presented at the time of the hearing.

17  
18 Dated: September 6, 2013

ANGIUS & TERRY LLP

19 By: /s/ Sam Y. Chon  
20 SAM Y. CHON  
21 Attorneys for Defendant  
22 Auburn Lake Trails Property Owners  
23 Association  
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Bradley J. Epstein (CA State Bar No. 171567)  
[bepstein@angius-terry.com](mailto:bepstein@angius-terry.com)  
Sam Y. Chon (CA State Bar No. 197246)  
[scendejas@angius-terry.com](mailto:scendejas@angius-terry.com)

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Case No.: 12-29353-B-11  
Adv. Proc. No.: 13-02132-B

Docket Control No. ATL-1

Chapter 11

**CERTIFICATE OF SERVICE**

Hearing date: October 29, 2013  
Time: 9:32 a.m.  
Courtroom: 32, 6<sup>th</sup> Floor  
Department: B

Hon. Thomas C. Holman

I, Denise M. Tacdol, declare that:

I am employed in the County of Placer, State of California, I am over the age of 18 and am not a party to the within action; my business address is 3001 Lava Ridge Court, Ste. 130, Roseville, CA 95661.

On July 16, 2013, I served the within:

Notice of Motion to Dismiss Plaintiff's First Amended Complaint;

X (By E-Mail) through the Court's ECF Program;

1 X (By Mail – Federal) I placed such envelope with postage thereon fully prepaid in the  
2 United States mail at Roseville, CA.

3 X (By Mail – State) I am readily familiar with the practice for the collection and processing  
4 of correspondence for mailing with the United States Postal Service; it is deposited with  
5 the United States Postal Service on the same date in the ordinary course of business at the  
6 business address show above; I am aware that on motion of the party served, service is  
presumed invalid if the postal cancellation date or postage meter dates is more than one  
day after the date of deposit for mailed contained in this declaration.

7 X Executed on September 6, 2013, at Roseville, California.

8 X (State) I declare under the penalty of perjury under the laws of the State of California that  
9 the foregoing is true and correct.

10 X (Federal) I declare that I am employed in the office of a member of the Bar at whose  
11 direction this service was made.

12   
13 Denise M. Tacdol  
14

15 INTERESTED PARTIES:

16 David S. Silber  
17 240 Commercial Street, Ste. A  
18 Nevada City, CA 95959  
19 *Representing: Daniel Major Edstrom*

20 Glenn H. Wechsler  
21 Lawrence D. Harris  
22 Law Offices of Glenn H. Wechsler  
23 1646 N. California Blvd., Ste. 450  
24 Walnut Creek, CA 94596  
25 *G&P L Enterprises, LLC, dba Allied Trustee Services*  
26  
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